

### REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed November 19, 2004. Applicants respectfully submit that the Amendment and remarks contained herein place the instant application in condition for allowance..

Claims 1-19, 22, and 25 are presently pending in this application. Applicants have amended claims 1 and 11 to clarify the invention.

Applicants filed an Information Disclosure Statement (IDS) and a Supplemental IDS on May 29, 2001 and October 21, 2001, respectively. Applicants notice that the Examiner has not acknowledged consideration of the disclosed references. For convenience of the Examiner, Applicants attach copies of these documents and request that the Examiner consider the references cited therein.

In the Office Action, the claims 1-4, 7-13, 16-19, 22, and 25 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,826, 270 to Rutkowski et al. ("Rutkowski") in view of U.S. Patent NO. 5,583,937 to Ulrich et al. ("Ulrich"). Claims 5-7, and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski in view of U.S. Patent No. 5,696,906 to Peters et al. ("Peters") and FieldCentrix. In addition to these reasons, to respond to Applicants' Amendment of September 10, 2003, the Office Action alleged that Rutowski's database (see Figure 6) contain data regarding customers . . . and the technician's request for information could return the data related to current promotion, which is

seen to be a list. To the extent these grounds of rejection might still be applied to claims presently pending in this application, they are respectfully traversed.

Claims 1 and 11 have been amended to further clarify the invention. For example, in amended claim 1, the computer, in response to the communication from the technician, transmits at least one of account information, status information, and profile information related to the customer, wherein the account information including the customer's current account activity and whether the customer is delinquent in making payments and the technician uses the information related to the customer to generate a customer request from a list of products, services or features that is available to the customer and communicates the customer's request to the dispatch division using the computer over the communications network." Further, the list of products, services or features is automatically generated by an application that is running on the computer and is executable by the technician, wherein the list is generated based on a type for the customer. Amended claim 11 recites similar features.

The above amendments have support in the specification at, for example, page 6, lines 1-8; page 8, lines 20-22; and page 9, lines 6-10. No new matter has been introduced. Further, these amendments explain that the technician uses the information related to the customer to generate a customer request from a list of products, services and features that is available to the customer. Applicants believe that after the amendments, the display of the list of products, services and features is not non-functional description, as alleged in paragraph 6 of the Office Action and respectfully traverse the rejection.

Paragraphs 4 and 7 of the Office Action asserted that Rutkowski seemed to teach or suggest providing a list of products, as shown in Fig. 6. Alternatively, Ulrich taught a computer generated menu of products available to subscriber and therefore. Therefore, it would have been obvious to one skilled in the art to modify the invention of Rutowski to display a list of products available to take advantage of impulse purchase. Applicants respectfully disagree with these assertions because no *prima facie* case of obviousness has been shown. To establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claims elements. See M.P.E.P § 2143.

First of all, Rutowski does not teach or suggest a list of products, services and features as recited in amended claims 1 and 11. As can be seen in col. 16, lines 36 –40, the tables of Fig. 6 are maintained by a data directory server (DDS) and are used to inform the system of where data resides and where it is to be routed, as well as methods for locating and routing such data. The tables, therefore, are not lists of products, services or features that is automatically generated by an application running in the computer and being executable by the technician based on what type the customer the technician is assisting, as recited in amended claims 1 and 11.

Second, Rutowski fails to teach or suggest that the company, in response to communication from the technician, transmits at least one of account information, status information, and profile information related to the customer, wherein the customer account information includes the customer's current activity and whether the customer is delinquent in making the payments and the technician uses the information related to the customer to generate

a customer request from a list of products, services and features that is available to the customer, as recited in amended claims 1 and 11.

Third, Ulrich fails to teach or suggest that the list of products, services and features is automatically generated by an application that is running on the computer and is executable by the technician based on what type of customer the technician is assisting, as recited in claims 1 and 11. As described previously, Ulrich only describes a method for providing video programming in a nearly on-demand basis but mentions nothing about at least (1) technician initiating a communications with the company via a communication network, (2) the company, in response to the communication from the technician, transmits at least one of account information, status information and profile information related to the customer, and (3) the technician uses the information related to the customer to generate a customer request from a list of products, services and features that is available to the customer.

In view of the forgoing, since neither Rutkowski nor Ulrich, when taken singly or in any combination thereof, suggest all the elements of Applicants' independent claims 1 and 11, Applicants believe that the rejections of independent claims 1 and 11 under 35 U.S.C. 103(a) over Rutkowski in view of Ulrich should be withdrawn.

Dependent claims 2-4, 7-10, 12-13, 16-19, 22, and 25 are also considered patentable over the references at least due to their dependencies from patentable independent claims 1 and 11.

With regard to the rejection of claims 5-7 and 14-15 under 35 U.S.C. 103(a) over Rutkowski in view of Peters and FieldCentrix, dependent claims 5-7 and 14-15 are considered patentable at least due to their dependencies from patentable independent claims 1 and 11.

Serial No.: 09/ 746,507  
Art Unit: 3629

Attorney's Docket No.: BS99-202  
Page 12

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703-770-7577

Respectfully submitted,

GARY DENNIS, ET al.

Date: February 9, 2004

By:

  
Wan-Ching Y. Montfort

Attachments: Copy of IDS filed on May 29, 2001  
Copy of Supplementary IDS filed on October 21, 2001

AB/CYM/kh